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April 9, 2015

VIA U.S.P.S. Signature Confirmation 2301 0370 0001 4142 6833

U.S. Department of Labor
Occupational Safety & Health Administration
Long Island Area Office
1400 Old Country Road, Suite 208
Westbury, New York 11590

RE: Manzo v. Stanley Black & Decker, Inc. et al

Dear Sir/Madam:

Enclosed please find a courtesy copy of the Federal District Court Subpoena that was served earlier today, April 9, 2015 on the United States Attorney's Office for the Eastern District of New York. Said subpoena requires the production of certain documents and information as well as the appearance of representatives for a deposition pursuant to Rule 30(b)(6). Should you have any further questions please contact Mr. Gary Certain at 212-687-7800 x 225.

Very truly yours,
CERTAIN & ZILBERG, PLLC


Tarike Troya
Legal Assistant

Enclosure

cc:

CALINOFF & KATZ LLP
Attorneys for Defendant
STANLEY BLACK & DECKER, INC., and
BLACK & DECKER (U.S.) INC.
245 Fifth Avenue, 10th Floor
New York, New York 10016

WHITE FLEISCHNER & FINO, LLP
Attorneys for Defendant
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AHMUTY DEMERS & MCMANUS
Attorneys for Third Party Defendant
CVD EQUIPMENT CORP.
200 I.U. Willets Road
Albertson, New York 11507

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CHARLES MANZO,

Plaintiff,

-against-

STANLEY BLACK & DECKER, INC.,
BLACK & DECKER (U.S.) INC., and
WOLFE MACHINERY CO.,

Defendants.
-----X

STANLEY BLACK & DECKER, INC.,
BLACK & DECKER (U.S.) INC.,

Third-party Plaintiffs,

-against-

CVD EQUIPMENT CORPORATION,

Third-Party Defendant.
-----X

TO: **UNITED STATES DEPARTMENT OF LABOR - OCCUPATION SAFETY
& HEALTH ADMINISTRATION
Long Island Area Office
1400 Old Country Road, Suite 208
Westbury, New York 11590**

YOU ARE COMMANDED, by Order and pursuant to Fed. R. Civ. P. 30(b)(6) of the Federal Rules of Civil Procedure, (applicable to government entities, See *McKesson v. Islamic Republic of Iran*, 185 F.R.D. 70) to appear and provide testimony, upon oral examination of non-party United States Department of Labor - Occupation Safety & Health Administration, through designees, to be taken before a notary public who is not an attorney, or employee of an attorney, for any party or prospective party herein, and is not a person who would be disqualified to act as a juror because of interest or because of consanguinity or affinity to any party herein, to be recorded by stenographic means, at the

Civil Action, File Number

13-CV-3963

SO ORDERED

**SUBPOENA TO COMPEL
NON-PARTY
DEPOSITION(S) and
PRODUCTION OF
DOCUMENTS AND
THINGS Pursuant to Rules
45, 30(b)(6) and 34(c)**

Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28th Floor, New York, New York 10022, on the 17th day of April, 2015, at 10:00 in the forenoon of that day (or at another time and location to be mutually agreed in writing with the undersign counsel) with respect to evidence and material that is necessary in the prosecution of this above captioned action, or that may lead to evidence or material that is necessary in the prosecution of this action.

YOU ARE FURTHER COMMANDED, by Order to produce, at the Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28th Floor, New York, New York 10022, the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material and pursuant to Fed. R. Civ. P. 45

That the person(s) designated pursuant to Fed. R. Civ. P. 30(b)(6) will be required to testify as to the matters concerning the following:

1. The identity of the Compliance Safety Health Officer(s) who participated in performing any/all inspections and/or accident investigations concerning CVD EQUIPMENT CORPORATION located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, including but not limited to OSHA Inspection No. 311141907.
2. The identity of the Compliance Safety Health Officer(s) who participated in performing any/all inspections and/or accident investigations concerning CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622.
3. Observations and findings of the Compliance Safety Health Officer(s) who participated in performing inspections and/or accident investigations of the work areas, facilities, tools and/or equipment of CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, before July 12, 2010
4. Observations and findings of the Compliance Safety Health Officer(s) who participated in performing inspections and/or accident investigations of the work areas, facilities, tools and/or equipment of CVD EQUIPMENT

CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, under OSHA Inspection No. 311141907 on July 12, 2010.

5. Observations and findings of the Compliance Safety Health Officer(s) who participated in performing inspections and/or accident investigations of the work areas, facilities, tools and/or equipment of CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, after July 12, 2010.
6. Knowledge of OSHA rules, standards, regulations, interpretations (Letters of Interpretation) and directives concerning machine guarding.
7. Knowledge of OSHA rules, standards, regulations, interpretations (Letters of Interpretation) and directives concerning, or that otherwise include, workplace radial arm saws.
8. Knowledge of OSHA inspections, interviews, accident investigations, and compliance actions concerning CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, including but not limited to OSHA Inspection No. 311141907.
9. Knowledge of OSHA inspections, interviews, accident investigations, and compliance actions concerning CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622.
10. Knowledge of OSHA inspections, accident investigations, and compliance actions concerning CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622.
11. Knowledge of OSHA inspections, accident investigations, and compliance actions concerning Dewalt Model Number 3526 radial arm saws.
12. Known causes and/or mechanisms of injury concerning a class of products that includes radial arm saws.
13. Known safety features, protections, postings/warnings and/or other precautions intended to protect against or minimize the potential for injuries

for a class of power saw products that includes radial arm saws.

14. Knowledge of the findings, analysis, causes of, and contributing factors to, the workplace injury suffered by to Charles Manzo on July 12, 2010.
15. Knowledge of OSHA workplace location inspection procedures and protocol.
16. Knowledge of OSHA accident investigation procedures and protocol.
17. Knowledge of OSHA mitigation and compliance proceedings, procedures and protocol.
18. Knowledge of OSHA document and record retention policies.

YOU ARE FURTHER COMMANDED, by Order to produce, at the Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28th Floor, New York, New York 10022, the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material and pursuant to Fed. R. Civ. P. 45.

1. All documents, records and things concerning any accident investigation(s) at the facilities of CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, including complaints, incident reports, accident reports, documentation of injury, NAICS/SIC codes, OSHA violations, citations, fines, notes, summaries, enforcement database information, claims, pleadings, charging documents, audio recordings, photographs and video graphic information (including all original format color digital video, images and audio recordings).
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audio recordings).

3. All documents, records and things concerning any abatement efforts and/or safety related service, revision, repair, maintenance, modification, and/or policy change made and/or claimed to be/have been made by CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, to comply with, or as otherwise directed by OSHA directives, rules, standards or regulations, including letters, statements, invoices, purchase orders, work orders, photographs and video graphic information, as well as other documents concerning the performance of such safety related service, revision, repair, maintenance, modification, and/or policy change.
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7. All documents, records and things concerning the condition of the Dewalt branded radial arm saw bearing Model Number 3526 and Serial Number 84220041 on which

Charles Manzo was injured, at the time of a July 12, 2010 inspection by OSHA Compliance Safety Health Officer(s). (Inspection No. 311141907)

8. All documents, records and things concerning the condition of the Dewalt branded radial arm saw, bearing Model Number 3526 and Serial Number 84220041, on which Charles Manzo was injured, during inspections after the incident inspection of date of July 12, 2010. (Inspection No. 311141907)
9. All documents, records and things identifying the Compliance Safety Health Officer(s) who conducted the July 12, 2010 inspection. (Inspection No. 311141907)
10. All documents, records and things identifying the Compliance Safety Health Officer(s) who conducted the inspections after the incident inspection of July 12, 2010. (Inspection No. 311141907)
11. All documents, records and things identifying the Compliance Safety Health Officer(s) who conducted any inspections of the work areas, facilities, tools and/or equipment of CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622, prior to the incident inspection of July 12, 2010. (Inspection No. 311141907)
12. All documents, records and things identifying the Compliance Safety Health Officer(s) who conducted any inspections of the work areas, facilities, tools and/or equipment of CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, prior to the incident inspection of July 12, 2010. (Inspection No. 311141907)
13. All documents, records and things concerning any accident investigation or inspection of a certain Dewalt radial arm saw bearing Model Number 3526 and Serial Number 84220041 at any location, including but not limited to 6 Post Road, Portsmouth, New Hampshire 03801-5622 and 1860 Smithtown Avenue, Ronkonkoma, New York 11779.
14. All documents, records and things identifying the Compliance Safety Health Officer(s) who conducted any inspections of a certain Dewalt radial arm saw bearing Model Number 3526 and Serial Number 84220041 at any location, including but not limited to 6 Post Road, Portsmouth, New Hampshire 03801-5622 and 1860 Smithtown Avenue, Ronkonkoma, New York 11779.
15. All documents, records and things concerning accident/injury reports that concern

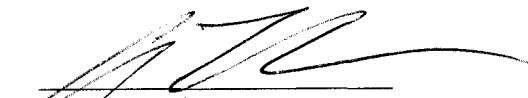
Dewalt Model Number 3526 radial arm saws.

It is further ordered that the person(s) designated to be examined is/are required to produce at such examination all documents and all other material in possession or control of this defendant, relevant to the above-mentioned matters the extent not expressly identified by the this Order.

It is further ordered that all Compliance Safety Health Officer(s) who participated in performing inspections and/or accident investigations concerning CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, concerning OSHA Inspection No. 311141907 shall be produced to testify in addition to the OSHA designees produced pursuant to this Rule 30(b)(6) deposition order.

DATED: March 27, 2015
New York, New York

Yours, etc.



Gary Certain, Esq.
Certain & Zilberg, PLLC
Attorneys for Plaintiff
CHARLES MANZO
909 Third Avenue, 28th Floor
New York, New York 10022
Tel: (212) 687-7800

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April 9, 2015

VIA U.S.P.S. Signature Confirmation 2301 0370 0001 4142 6840

U.S. Department of Labor
Occupational Safety & Health Administration
200 Constitution Ave.,
NW, Washington, DC 20210

RE: Manzo v. Stanley Black & Decker, Inc. et al

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Very truly yours,
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Tanike Troya
Legal Assistant

Enclosure

cc:

CALINOFF & KATZ LLP
Attorneys for Defendant
STANLEY BLACK & DECKER, INC., and
BLACK & DECKER (U.S.) INC.
245 Fifth Avenue, 10th Floor
New York, New York 10016

WHITE FLEISCHNER & FINO, LLP
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WOLFE MACHINERY CO.
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Tel: (212) 487-9700

AHMUTY DEMERS & MCMANUS
Attorneys for Third Party Defendant
CVD EQUIPMENT CORP.
200 I.U. Willets Road
Albertson, New York 11507

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CHARLES MANZO,

Plaintiff,

-against-

STANLEY BLACK & DECKER, INC.,
BLACK & DECKER (U.S.) INC., and
WOLFE MACHINERY CO.,

Defendants.
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STANLEY BLACK & DECKER, INC.,
BLACK & DECKER (U.S.) INC.,

Third-party Plaintiffs,

-against-

CVD EQUIPMENT CORPORATION,

Third-Party Defendant.
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TO: **UNITED STATES DEPARTMENT OF LABOR - OCCUPATION SAFETY
& HEALTH ADMINISTRATION
Long Island Area Office
1400 Old Country Road, Suite 208
Westbury, New York 11590**

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Civil Action, File Number

13-CV-3963

SO ORDERED

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DEPOSITION(S) and
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DOCUMENTS AND
THINGS Pursuant to Rules
45, 30(b)(6) and 34(c)**

Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28th Floor, New York, New York 10022, on the 17th day of April, 2015, at 10:00 in the forenoon of that day (or at another time and location to be mutually agreed in writing with the undersign counsel) with respect to evidence and material that is necessary in the prosecution of this above captioned action, or that may lead to evidence or material that is necessary in the prosecution of this action.

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6. Knowledge of OSHA rules, standards, regulations, interpretations (Letters of Interpretation) and directives concerning machine guarding.
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Charles Manzo was injured, at the time of a July 12, 2010 inspection by OSHA Compliance Safety Health Officer(s). (Inspection No. 311141907)

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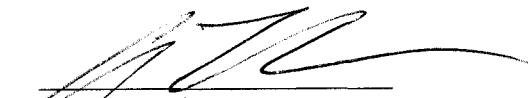
Dewalt Model Number 3526 radial arm saws.

It is further ordered that the person(s) designated to be examined is/are required to produce at such examination all documents and all other material in possession or control of this defendant, relevant to the above-mentioned matters the extent not expressly identified by the this Order.

It is further ordered that all Compliance Safety Health Officer(s) who participated in performing inspections and/or accident investigations concerning CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, concerning OSHA Inspection No. 311141907 shall be produced to testify in addition to the OSHA designees produced pursuant to this Rule 30(b)(6) deposition order.

DATED: March 27, 2015
New York, New York

Yours, etc.



Gary Certain, Esq.
Certain & Zilberg, PLLC
Attorneys for Plaintiff
CHARLES MANZO
909 Third Avenue, 28th Floor
New York, New York 10022
Tel: (212) 687-7800